

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

JUSTIN O'BRIEN, on behalf of himself and all  
others similarly situated,

Plaintiff,

v.

SMOOTHSTACK, INC.,

Defendant.

**Civil Action No. 1-23-cv-00491-RDA-LRV**

**Plaintiff's Motion for Court-Authorized Notice Pursuant to 29 U.S.C. § 216(b)**

Plaintiff Justin O'Brien, on behalf of himself and those similarly situated, respectfully moves this Court to authorize that notice be sent pursuant to 29 U.S.C. § 216(b) to all potential members of the Fair Labor Standards Act Collective (the "FLSA Collective"). In support of this Motion, Plaintiff submits the accompanying memorandum of law and exhibits.

Dated: July 31, 2023

Respectfully submitted,

By: /s/ Molly Elkin  
Molly Elkin

Molly Elkin (Va. Bar No. 40967)  
Rachel Lerner\*  
**McGillivary, Steele, & Elkin LLP**  
1101 Vermont Ave NW, Suite 1000  
Washington, D.C. 20005  
Phone: (202) 833-8855  
Email: [mae@mselaborlaw.com](mailto:mae@mselaborlaw.com)  
Email: [rbl@mselaborlaw.com](mailto:rbl@mselaborlaw.com)

Rachel W. Dempsey\*  
David Seligman\*\*  
**Towards Justice**  
PO Box 371680, PMB 44465

Denver, CO 80237  
Telephone: (720) 441-2236  
Email: [rachel@towardsjustice.org](mailto:rachel@towardsjustice.org)  
Email: [david@towardsjustice.org](mailto:david@towardsjustice.org)

Jahan C. Sagafi\*  
**Outten & Golden LLP**  
One California Street, 12th Floor  
San Francisco, CA 94111  
Telephone: (415) 638-8837  
Email: [jsagafi@outtengolden.com](mailto:jsagafi@outtengolden.com)

Hannah Cole-Chu\*  
Courtney J. Hinkle\*  
**Outten & Golden LLP**  
1225 New York Ave, NW Suite 1200B  
Washington, D.C. 20005  
Telephone: (202) 915-5810  
Email: [hcolechu@outtengolden.com](mailto:hcolechu@outtengolden.com)  
Email: [chinkle@outtengolden.com](mailto:chinkle@outtengolden.com)

Persis Yu\*\*  
Khandice Lofton\*\*  
**Student Borrower Protection Center**  
(a fiscally sponsored project of the Shared  
Ascent Fund)  
1025 Connecticut Ave NW, #717  
Washington, D.C. 20036  
Telephone: (202) 670-3871  
Email: [persis@protectborrowers.org](mailto:persis@protectborrowers.org)  
Email: [khandice@protectborrowers.org](mailto:khandice@protectborrowers.org)

\* Admitted *Pro hac vice*

\*\* *Pro hac vice* application forthcoming.

*Attorneys for Plaintiff and the Putative FLSA  
Collective*

**CERTIFICATE OF SERVICE**

I certify that on July 31, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Dirk Harris McClanahan  
Zachary Charles Miller  
McClanahan Powers, PLLC  
3160 Fairview Park Drive, Suite 410  
Falls Church, VA 22042  
Telephone: (703) 520-1326  
Email: dmclanahan@mcplegal.com  
Email: zmiller@mcplegal.com

/s/ Molly A. Elkin